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EXAMINER

MANNING, JOHN

| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,688

Applicant(s)

KRAKIRIAN, HAIG

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6, 9, 15, 17, 19-21, 24, 27, 31, 36, 38-40, 46, 49, 54, 56-58, 61, 64, 67 and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Berezowski et al. (US Pat No 6,064,376).

In regard to claims 1 and 38, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The video content is converted to a reduced sized relative to the full screen display. The video content of adjusted size is displayed on a "first portion" of the display. Supplemental information is displayed on a "second portion" of the display different from the "first portion" of the display at the same time. A "program guide channel system is provided that allows the relative sizes of the upper and lower portions of the display screen to be adjusted in real time. In general, the upper portion of the display is a promotional information region and the lower portion of the display is a program listings region. When it is desired to promote a video,

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the display is divided into two equal halves. The lower half is used for program guide listings and the upper half is used for quarter screen videos with accompanying text" (Col 4, Lines 19-28). In regard to the supplemental information the reference discloses that information other than text may be displayed. "Program listings 12 primarily contain program guide information for upcoming television programs, but may also include program summaries, weather information-n, logos, or messages" (Col 3, Lines 43-46). The examiner interprets a logo to be graphical information.

In regard to claims 2, 20, 39, and 57, the television receives the broadcasted video and supplemental information from television distribution facility 20. "Television distribution facility 20, which is preferably a cable system headend, distributes conventional television channels and a program guide channel to television units 24 over television distribution links 26" (Col 4, Lines 45-49).

In regard to claims 3, 21, 40 and 58, the supplemental information includes channel and broadcast information (Figure 6, Item 44).

In regard to claims 6, 24 and 61, the supplemental information relates to a plurality of video programs. "Program listings 12 primarily contain program guide information for upcoming television programs" (Col 3, Lines 43-45).

In regard to claims 9, 27, 46 and 64, the supplemental information may be message information intended to be conveyed to a user. "Program listings 12 primarily contain program guide information for upcoming television programs,

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but may also include program summaries, weather information, logos, or messages" (Col 3, Lines 43-46).

In regard to claims 15, 31, 49 and 67, the reference discloses that the display device is a television screen. "Television units 24 are preferably conventional television sets, but could be any suitable equipment with the ability to receive a desired television channel" (Col 4, Lines 49-51).

In regard to claims 17, 36, 54 and 72, the reference discloses that the "first portion" of the display can be the majority of the display. The "promotional information region 62 can be expanded until there is only a single grid element remaining in program listings region 64. An arrangement such as the one shown in FIG. 8 may be particularly advantageous when it is desired to display a large graphic image, while ensuring that enough of the program listings remain on display screen 60 to remind the viewer that they are tuned to the program guide channel" (Col 7, Line 20-27).

In regard to claims 19 and 56 the Berezowski et al. reference discloses a microprocessor/memory computer system of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The video content is converted to a reduced sized relative to the full screen display. The video content of adjusted size is displayed on a "first portion" of the display. Supplemental information is displayed on a "second portion" of the display different from the "first portion" of the display at the same time. A "program guide channel system is provided that allows the relative sizes of the upper and lower portions of the display screen to be adjusted in real time.

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In general, the upper portion of the display is a promotional information region and the lower portion of the display is a program listings region. When it is desired to promote a video, the display is divided into two equal halves. The lower half is used for program guide listings and the upper half is used for quarter screen videos with accompanying text" (Col 4, Lines 19-28). In regard to the supplemental information the reference discloses that information other than text may be displayed. "Program listings 12 primarily contain program guide information for upcoming television programs, but may also include program summaries, weather information, logos, or messages" (Col 3, Lines 43-46). The examiner interprets a logo to be graphical information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 5, 7, 8, 10, 11, 16, 18, 22, 23, 25, 26, 28, 29, 30, 32, 37, 41, 42-45, 47, 48, 50, 55, 59, 60, 62, 63, 65, 66, 68 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berezowski et al.

In regard to claims 4, 22, 41 and 59, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference discloses that the supplemental information converted may include

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program summaries, weather information, logos, or messages. The reference fails to explicitly disclose the selective conversion of specific portions of the supplemental information in response to signals output from a user input device. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use signals output from a user input device so as to selectively convert specific portions of the supplemental information in order to provide the user with the option to select information that he or she is interested in. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Berezowski et al. with selective conversion of specific portions of the supplemental information in response to signals output from a user input device for the stated advantage.

In regard to claims 5, 23, 42 and 60, the reference discloses that supplemental information includes a portion of the description of the television program. "Program listings 12 primarily contain program guide information for upcoming television programs, but may also include program summaries, weather information, logos, or messages" (Col 3, Lines 43-46).

In regard to claim 43, the supplemental information relates to a plurality of video programs. "Program listings 12 primarily contain program guide information for upcoming television programs" (Col 3, Lines 43-45).

In regard to claims 7, 25, 44 and 62, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference discloses that the supplemental information converted may include

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program summaries, weather information, logos, or messages. The reference also discloses that the supplemental information in a program guide display may pertain to a plurality of video programs. The reference fails to explicitly disclose the selective conversion of specific portions of the supplemental information in response to signals output from a user input device. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use signals output from a user input device so as to selectively convert specific portions of the supplemental information in order to provide the user with the option to select information that he or she is interested in. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Berezowski et al. with selective conversion of specific portions of the supplemental information in response to signals output from a user input device for the stated advantage.

In regard to claims 8, 26, 45 and 63, the reference discloses displaying information regarding television programming on a different channel from a channel on which the first video program is broadcast or at a time different from a time when the first video program is broadcast (Figure 5).

In regard to claims 10, 28, 47 and 65, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference discloses that the supplemental information converted may include program summaries, weather information, logos, or messages. The reference fails to explicitly disclose the selective conversion of specific portions of the supplemental information in response to signals output from a user input device.

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However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use signals output from a user input device so as to selectively convert specific portions of the supplemental information in order to provide the user with the option to select information that he or she is interested in. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Berezowski et al. with selective conversion of specific portions of the supplemental information in response to signals output from a user input device for the stated advantage.

In regard to claims 11, 29, 48 and 66, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference discloses that the supplemental information converted may include program summaries, weather information, logos, or messages. The reference fails to explicitly disclose that the message information is advertising information. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use the capability of sending messages as a way to send advertisements so as to influence the use to purchase goods or services. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Berezowski et al. to have the message information be advertising information for the stated advantage.

In regard to claims 16, 32, 50 and 68, the Berezowski et al. reference discloses a method of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference

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discloses that the display device is a television screen. "Television units 24 are preferably conventional television sets, but could be any suitable equipment with the ability to receive a desired television channel" (Col 4, Lines 49-51). The reference fails to explicitly disclose that the television screen is high definition screen. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use a television with a high definition screen so as to provide a high quality picture. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Berezowski et al. to have a television with a high definition screen for the stated advantage.

In regard to claims 18, 37, 55 and 73, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference discloses that the "first portion" of the display can be the majority of the display. The "promotional information region 62 can be expanded until there is only a single grid element remaining in program listings region 64. An arrangement such as the one shown in FIG. 8 may be particularly advantageous when it is desired to display a large graphic image, while ensuring that enough of the program listings remain on display screen 60 to remind the viewer that they are tuned to the program guide channel" (Col 7, Line 20-27). The reference fails to explicitly disclose that the "first portion" of the display occupy 80% of the display. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Berezowski

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et al. system so as have the "first portion" of the display occupy 80% of the display to allow the user to easily view the displayed video.

In regard to claim 30, the Berezowski et al. reference discloses a method of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference fails to explicitly disclose that the processor and memory are incorporated within a television receiver. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Berezowski et al. system to have the processor and memory incorporated within a television receiver so as to allow the processing of data locally, in one unified device, rather than separately for ease of use.

3. Claims 12-14, 33-35, 51-53 and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berezowski et al. in view of Nishikawa et al. (US Pat No 6,481,010).

In regard to claims 12, 33, 51 and 69, the Berezowski et al. reference discloses a method and apparatus of adjusting the sizes of video programming information as well as supplemental information in a program guide display. The reference fails to explicitly disclose that the video content is represented by data from a server via a connection to the server. The Nishikawa et al. reference teaches the displaying video content by retrieving the video content data on demand from a server so as to permit "a user to view DSS channels, local cable-based and/or terrestrial-based channels, and Internet data in a seamless fashion." "Integrated receiver 12 also receives Internet signals from Internet

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service provider 24 and performs operations (e.g., decompressing and/or decoding routines) on the Internet signals to produce video and audio information to be displayed to the user via TV 16. The user controls the display of the Internet-derived and broadcast-derived audio and video information using remote controller 14" (Col 3, Lines 66-67; Col 4, Lines 1-7). Using Internet signals to produce video and audio information implies a connection to a server.

Consequently, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Berezowski et al. system so as to display video content by retrieving the video content data on demand from a server so as to permit "a user to view DSS channels, local cable-based and/or terrestrial-based channels, and Internet data in a seamless fashion."

In regard to claims 13, 34, 52 and 70, the Nishikawa et al. reference discloses that the system connects to a "server" via the Internet. "Integrated receiver 12 also receives Internet signals from Internet service provider 24 and performs operations (e.g., decompressing and/or decoding routines) on the Internet signals to produce video and audio information to be displayed to the user via TV 16. The user controls the display of the Internet-derived and broadcast-derived audio and video information using remote controller 14" (Col 3, Lines 66-67; Col 4, Lines 1-7).

In regard to claims 14, 35, 53 and 71, the primary reference of Berezowski et al. in view of Nishikawa et al. discloses a method of adjusting the sizes of video programming information as well as supplemental information in a program

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guide display where the video content displayed is retrieved on demand from a server. The connection is made via the Internet. The primary reference fails to disclose the use of TCP/IP as a protocol. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use TCP/IP protocol to provide communication across interconnected networks, between computers with diverse hardware architectures and various operating systems. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the primary reference of Berezowski et al. in view of Nishikawa et al. to have a television with a high definition screen for the stated advantage.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

- Lemmons et al. (US 6,442,755) discloses an electronic program guide using markup language.
- Satterfield et al. (US 6,564,378) discloses a program guide system with browsing display.
- Gordon et al. (US Pub No US2001/0056577) discloses a data structure and method for providing an interactive program guide.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9695 for regular communications and 703-746-9695 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

JM

February 19, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600